

NO. 74422

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office JUN 28 2006

Returned to applicant for correction _____

Corrected application filed _____

Map filed JUN 28 2006 under 74421

The applicant **Robert M. Hay** hereby makes application for permission to change the **point of diversion, place & manner of use of a portion** of water heretofore appropriated under **Permit 60496**

1. The source of water is **Underground**
2. The amount of water to be changed **.3081 CFS**
3. The water to be used for **Commercial Purposes**
4. The water heretofore permitted for **Commercial Purposes**
5. The water is to be diverted at the following point **within the NW¼ NW¼ of Section 17, T.36N., R.38E., M.D.B.&M. or at a point from which the NW corner of said Section 17 bears N 36° 57' W, 502.0 feet.**
6. The existing permitted point of diversion is located within **the SE¼ NE¼ of Section 9, T.36N., R.38E., M.D.B.&M. or at a point from which the E¼ corner of said Section 9 bears S 39° 49' E, a distance of 900.00 feet.**
7. Proposed place of use **11.0 acres within that portion of the W½ NW¼ of Section 17 T.36N., R.38E., M.D.B.&M. lying West of US Highway 95.**
8. Existing place of use **12.1 acres in the NE¼ NE¼, 14.1 acres in the SE¼ NE¼ and 12.0 acres in the NE¼ SE¼ all in Section 9, T.36N., R.38E., M.D.B.&M., 38.2 acres total of which 11.0 acres are to be removed from the NE¼ SE¼**
9. Use will be from **January 1st to December 31st** of each year.
10. Use was permitted from **March 1st to November 1st** of each year.
11. Description of proposed works **Drilled well and water distribution system, water tank & pipelines.**
12. Estimated cost of works **in excess of \$100,000**
13. Estimated time required to construct works **3 years**
14. Estimated time required to complete the application of water to beneficial use **5-10 years**

15. Remarks: Water is to be used for a highway commercial development and the possibility of a motel or apartment complex. Initial development will be a truck repair facility followed by other commercial businesses and then motel or apartments. Water will also be used for landscaping & dust control.

By John H. Milton III, Agent
S/ John H. Milton III
146 West Second Street
Winnemucca, NV 89445

Compared gkl/sc lt/gkl

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion, manner of use and place of use of a portion of the waters of an underground source as heretofore granted under Permit 60496, is issued subject to the terms and conditions imposed in said Permit 60496, and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The total combined duty of water under Permits 74421 and 74422 shall not exceed 33.0 acre-feet annually.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

(Continued on Page 3)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.3081 cubic feet per second, or 33.0 acre-feet annually.

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:

February 6, 2009

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:

February 6, 2012

Map in support of proof of beneficial use shall be filed on or before:

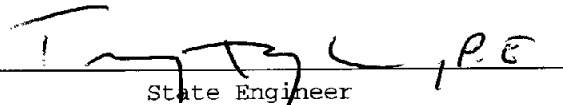
N/A

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 6th day of February, A.D. 2007



State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed N/A

Certificate No. _____ Issued _____